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REMARKS

By way of this Proposed Amendment, Applicants amend claims 30-31, 40, and 57, cancel claim 47, and add new claim 58 (which is the same as claim 40, except the lower range limit of the aloe vera powder in claim 58 is 0 wt%, rather than 0.00001% as set forth in claim 40). Support for the amendments can be found in the specification as originally filed. After entry of the amendments, claims 30-31, 40-46, and 48-58 would be pending in the application. Applicants submit that the proposed claims are allowable over the rejections set forth in the present Office Action. Accordingly, allowance of all proposed claims is earnestly requested.

Applicants have amended the claims to obviate the 35 U.S.C. §112 rejections and hereby submit support that ASTM 1824-87 is publically available. Accordingly, Applicants request that the 35 U.S.C. §112 rejections be withdrawn and that the viscosity measurement according to ASTM 1824-87 be accorded due consideration.

As discussed with the Examiner, to further the prosecution of this case, Applicants have amended claim 40 (and added new claim 58) to include the language "consisting of" and to list specific thickeners for the composition. As noted during the interview, Haslwanter et al. (U.S. Patent No. 6,565,832) discloses a composition that includes the essential components: a mixture of microcrystalline cellulose and alkali metal carboxyalkylcellulose, which are not included in Applicants' composition. Applicants therefore submit that the reference teaches away from the claimed invention.

As further discussed, Applicants submit that claims 30 and 31 are allowable over the cited art because Sundgreen et al., the only reference relied on to show liposomes in the composition, states: "[l]iposomes are predominantly made of natural amphiphilic lipids" and "[t]he total amount of lipids in the composition can vary between 20-80% w/w," which, as was noted, is well outside the claimed range of the permeation enhancer of claims 30 and 31.

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Conclusion

Applicants respectfully submit that the claims as set forth in this Proposed Amendment are now in condition for allowance and therefore respectfully request allowance of all claims. Should the Examiner find one or more of the pending claims unpatentable, the undersigned requests a call from the Examiner.

The Commissioner is hereby authorized to charge payment or credit overpayment to Deposit Account No. 19-2814 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension fees pursuant to § 1.136(a). This statement does NOT authorize charge of the issue fee.

Respectfully submitted,

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Attachment

From: Karlos Estevez [mailto:Karlos.Estevez@lhs.com]
Sent: Tuesday, November 10, 2009 3:49 PM
To: Pillote, Cynthia
Subject: RE: ASTM 1824-87 CRM:00302055

Cynthia,

Thanks for contacting the IHS Support Center. We have the 1987 revision of ASTM D 1824 available for \$45.00. If you would like to order the document please visit our website at www.global.ihs.com, or contact our sales department at 800-854-7179. Please let us know if there is anything else we can help you with today.

Thanks for contacting the Support Center.

Sincerely,
Karlos Estevez
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